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## CORNAGE AND DRENGAGE

IN the medieval records, whether national or local, that relate to the four northern counties of England, the term cornage<sup>1</sup> occurs with some frequency from the twelfth to the fourteenth centuries. The question of the origin and nature of the institution to which this term applied has been discussed with various degrees of learning and acumen since the time of Littleton without, unhappily, producing any explanation that has passed unquestioned. The truth is that the documents at our disposal appear to contradict one another, to lack self-consistency. The term cornage would seem to describe now one thing, now another, according to the date of the document or the region from which it emanates, and yet there is evidence of an original and underlying unity which cannot be disregarded.

A plain statement of a troublesome problem is often a step toward its solution. A statement of that kind, based on a reëxamination of such material as is available in print, is the purpose of the present study. It should be remarked at the outset, however, that our evidence is meager and fragmentary; further, that it consists of two classes, namely, national and local records. Now, in treating problems of local history it is manifest that the evidence of a local charter, chronicle, or other record is to be preferred to that of a document emanating from any of the departments of the central government. Obvious as this principle is, it has been too often disregarded, and particularly in the discussions of cornage this disregard has produced unnecessary complication and confusion.

The records of the bishopric of Durham furnish fuller and more continuous illustration of cornage than those of the adjoining counties, and may therefore be examined first. The earliest texts come from the reign of Henry I. They consist of a charter of Bishop

<sup>1</sup>Other terms were also employed, *geldum* or *cornagium animalium* in the pipe-roll of 31 Henry I. for Cumberland and Durham, edited by Joseph Hunter (Record Commission, 1833); *gablum animalium* in a charter of Henry I., *Placitorum Abbreviatio* (Record Commission, 1811), 66b, 67a; *noutegeld* in *The Pipe Rolls for the Counties of Cumberland, Westmorland, and Durham, during the Reigns of Henry II., Richard I., and John*, in the rolls for Cumberland and Westmoreland, Society of Antiquaries of Newcastle-upon-Tyne, 1847; *hornegelde*, *Bracton's Note Book* (edited by F. W. Maitland, 3 vols., London, 1887), No. 1270; cf. *Victoria History of Cumberland* (London, 1901), I. 314-315.

Ranulf Flambard,<sup>1</sup> restoring to the prior and convent certain lands of which he had deprived them, and the king's confirmation of that charter. The bishop conveys *inter alia* "Burtun cum solitis consuetudinibus"; the king is more explicit: "cornagium de Bortona quod Unspac tenet, scilicet, de unoquoque animali 2d."<sup>2</sup> Here then is a point of departure; cornage was a payment made by a vill—not by the lord of the vill—on beasts at the rate of two pence per head. The natural inference that in this case at least the payment was made for the right to pasture cattle would be confirmed by the fact that in 1296 the *communitas* of Burton was permitting the tenant of every bovate in the vill to turn out two beasts on the pasture.<sup>3</sup> After the death of Flambard in 1128 the see was vacant for five years, and its revenues therefore figure in the national accounts. In the pipe-roll of 31 Henry I. accordingly we may read in the account of Geoffrey Escolland, who was keeper of the temporalities *sede vacante*, "de cornagio animalium episcopatus" 110l. 5s. 5d.<sup>4</sup>

From this it might be inferred that all the villis of the bishopric paid the bishop for the pasture of their cattle, and that cornage was therefore a universal institution and a source of considerable revenue. But this, in the light of further evidence, would be an unauthorized conclusion. Evidence of this sort comes from the well-known record called *Boldon Book*, the survey in which in 1183 Bishop Hugh Pudsey ordered to be described "omnes redditus totius Episcopatus sui sicut tunc erant, et assisas et consuetudines sicut tunc erant et ante fuerant";<sup>5</sup> a kind of local Domesday Book. Now it is commonly said that this record received its name from the vill of Boldon, to the minute description of which, as the typical episcopal manor, the reader is frequently referred.<sup>6</sup> It will presently be shown that this statement is misleading, but let us consider first the cornage payments on the manor of Boldon. There are twenty-two villains, each holding two bovates of land and doing week-work

<sup>1</sup> Flambard became bishop of Durham in 1099; he was deprived in 1100, restored again in 1107, and died in 1128; W. Stubbs, *Registrum Sacrum Anglicanum* (second edition, Oxford, 1897), 41; Le Neve, *Fasti Ecclesie Anglicane*, edited by T. D. Hardy (Oxford, 1854), III. 282–283; J. H. Ramsay, *Foundations of England* (London, 1898), II. 256.

<sup>2</sup> Both charters are printed in *Feodarium Prioratus Dunelmensis* (edited by W. Greenwell, Surtees Society No. 58), 145 note, 149 note.

<sup>3</sup> *Durham Halmote Rolls* (edited by J. Booth, Surtees Society No. 82), 12.

<sup>4</sup> *Rotulum Pipæ 31 Henrici I.* (ed. Hunter, Record Commission, 1833). A translation of the part of the record referring to Durham may be read in Canon Greenwell's edition of *Boldon Book*, Surtees Society No. 25, appendix, i–iii.

<sup>5</sup> *Ibid.*, I.

<sup>6</sup> Robert Surtees, *History of Durham* (London, 1816), I., Part I., xxvi, 73; T. D. Hardy, *Catalogue of Materials* (Rolls Series, 1865), II. 445. But see *Boldon Book*, preface, v–vi; C. Gross, *The Sources and Literature of English History* (New York, 1900), No. 1898.

and boon-work, as well as a particular allotment of plowing, harrowing, and mowing and certain miscellaneous and occasional services; further, there was an annual render in money and kind; finally, "Tota villa reddit 17s. de cornagio et i. vaccam de metride."<sup>1</sup> The bishop's unfree tenants at Boldon, that is, are making a payment for what we have inferred to be the right to pasture cattle, and further are making it partly in money and partly in kind, by the render of a milch cow. The villains of many other of the bishop's manors were also paying cornage. It should be noted, moreover, that with a few exceptions, which will be dealt with presently, this obligation rested on the unfree only. In Boldon in 1183 there is no doubt that cornage is merely an incident of unfree tenure, a seigniorial due, and, if compared with others, not a very important one.<sup>2</sup>

Now this due, and here is a point of importance, was not incumbent on all the manors of the bishopric. *Boldon Book* deals with, roughly, about 141 villis; of these thirty are noted as rendering cornage and a milch cow, and form therefore a distinct type or class. Nine more may be added because, although they pay no cornage, they render either the milch cow or "castleman" (an incident distinct from cornage, but characteristic of the type),<sup>3</sup> or, as in the case of Norton, are relieved from cornage "pro defectu pasturæ".<sup>4</sup> Further, fourteen villis, having compounded for all or nearly all their service for a money payment, might be regarded as doubtful. Still, as one of these is noted in *Boldon Book* itself as paying a composition for cornage, and two others in *Bishop Hatfield's Survey*, a fourteenth-century record similar to *Boldon Book*, it may be inferred that the rest are of another class. Finally, thirty-nine villis in *Boldon Book* are held of the bishop in chief, and here the services are not enumerated, but on turning to *Hatfield's Survey* we find that only three of them are paying a cornage composition. This rough calculation shows that of the 141 villis enumerated in *Boldon Book* only forty-five, or less than one-third, are of the cornage type.

It is clear now that not all the villis of the bishopric paid cornage. Were it convenient in this place to enter into a more minute analysis

<sup>1</sup> *Boldon Book*, 3-4.

<sup>2</sup> The bishop took from Boldon 55 shillings scot and 28 shillings, six pence averpenny as against 17 shillings cornage plus 6 shillings, the regular tariff of composition for the milch cow.

<sup>3</sup> On this point see Hubert Hall, *Red Book of the Exchequer* (Rolls Series, 1896), II, preface, ccxxxvi-ccl; J. H. Round, *The Commune of London* (London, 1899), 278-288, and the same writer's paper on "Castle Guard," in *Archaeological Journal*, second series, IX. 144-159.

<sup>4</sup> *Boldon Book*, 12-13. This was a permanent exemption and not due to the failure of pasture for a single season, for the entry reappears in *Bishop Hatfield's Survey*, circa 1384 (edited by W. Greenwell, Surtees Society No. 32), s. v. Newton.

of *Boldon Book*, it could be shown that all the vills group themselves naturally into four or five classes. These classes resemble each other in the general nature of the unfree tenure, the services rendered, and the like, but they differ in certain particular burdens or obligations arising, as it would seem, out of special conditions or environment. A good example of this contrast is found in the group of vills which lay within the bishop's forest and were burdened with certain services in the *magna каза*, the great annual battue.<sup>1</sup> Just as these were forest vills, so those of the Boldon or cornage-paying type were pasture vills, and for the most part intercommoning. This indeed seems to have been a very general usage in the bishopric; fifteen of the forty-five cornage vills are grouped in pairs or triplets for the render of cornage and milch cows,<sup>2</sup> and in a charter of Roger Bertram, lord of Ketton, in the second half of the twelfth century, it is stipulated that his men are to have common pastures with those of a neighboring vill, "sicut habent aliæ vicinæ villæ in aliis vicinis locis."<sup>3</sup>

At the close of the twelfth century, then, cornage in Durham was an incident of unfree tenure in certain specially situated vills. It was being paid partly in kind and partly in a money payment specifically described as the composition for the render of a cow (*vacca de metride*), indicating that the institution was already ancient and had been made the subject of at least a partial composition. From the nature of the evidence connecting cornage at every turn with cattle and pasture we are led to the inference that it was a payment made for the agistment of cattle, and from the survival of the render of a milch cow that it had originally consisted of an annual render of cattle, perhaps a proportion of the increase of the herd.

This raises several interesting points in regard to the dark beginnings of the institution, connecting it at once with the obscure and vexed questions of manorial origins. Is the fact that the lord is taking tribute for the use of the pasture-land a usurpation or the recognition of an act of grace and favor? Or again, is it to be regarded as the survival of the privilege of a tribal chief from whom the ancestors of these cornage-paying villains had received stock? These speculations fall outside the scope of the present essay, which aims rather to discover what cornage meant to the men of the

<sup>1</sup> Stanhope is the type of this class, *Boldon Book*, 29. This hunting tenure is not peculiar to Durham, and even there is not restricted to the unfree. See Frederic Seebohm, *The English Village Community* (London, 1883), 71.

<sup>2</sup> E. g., *Boldon Book*, 5, 6, 9; cf. also *Finchale Chartulary*, Surtees Society No. 6, Nos. xc, cxx, cxxi.

<sup>3</sup> *Feodarium*, 156, note.

twelfth century, who met with it as a vital if already isolated and decaying institution. The knowledge of how it came into being and what it might have been at its prime cannot, for the present at least, be attained unto.

Thus far our results are simple, obvious, and for the most part familiar. Many writers have already defined cornage as a tribute on horned cattle turned out to pasture, although up to the last century the learned antiquarian world was satisfied with Littleton's fantastic definition.<sup>1</sup> Surtees, the historian of Durham, in the last century recognized that cornage was a tribute on beasts<sup>2</sup>; somewhat later John Hodgson Hinde, the Northumbrian antiquary, treated the matter at greater length, reaching the conclusion to which we have already been led.<sup>3</sup> Then Mr. Seebohm, working from *Boldon Book*, stated the matter in clear terms in 1883,<sup>4</sup> and in 1894 Mr. Crump called attention to the important charter of Henry I. which has been quoted above.<sup>5</sup> Finally this conclusion has received the warrant of high authority by the adhesion of Professor Maitland and Mr. Round.<sup>6</sup>

But we may not yet congratulate ourselves that we have reached the whole truth about cornage. Some disconcerting texts remain to be examined. In the first place, *Boldon Book* affords several instances of freemen paying cornage, a fact which apparently reverses our theory that cornage was distinctively an incident of unfree or villain-tenure. But if we suppose that, like many other such incidents, this charge had by the twelfth century got itself fastened to the soil and in such a way indeed that every bovat in any vill was answerable for a fixed portion of the cornage of that vill, then the difficulty disappears. If a free tenant held several bovates in a cornage-paying vill, he would naturally not be grouped for the purpose of cornage with the villains, nor, on the other hand, would the bishop be deprived of his due by reason of his tenant's status. Again, the same reasoning would hold in case the whole or the fraction of a cornage-paying vill was granted to a freeman. With this

<sup>1</sup> Sir Thomas Littleton, *Tenures* (London, 1829), paragraph 156: "It is said, that in the marches of Scotland some hold of the king by cornage, that is to say, to wind a horn, to give men of the country warning, when they hear that the Scots or other enemies are come or will enter into England".

<sup>2</sup> Surtees, *History of Durham*, I. 252.

<sup>3</sup> Hodgson, *History of Northumberland* (Newcastle-upon-Tyne, 1858), I., Part I. 258-263.

<sup>4</sup> Seebohm, *English Village Community*, 68-72.

<sup>5</sup> R. H. I. Palgrave, *Dictionary of Political Economy* (London, 1894), I. 426-427.

<sup>6</sup> F. W. Maitland, "Northumbrian Tenures", in *English Historical Review*, V. 627 ff. (October, 1890); *Domesday Book and Beyond* (Cambridge, 1897), 147; J. H. Round, *Commune of London*, 278-288.

hypothesis in mind, we may examine the passages referred to. At Heighington there are sixteen villains, each of whom holds two bovates; these render *inter alia*, 36s. de cornagio and one milch cow. Now follow two striking passages: "Hugo Brunne tenet, quamdiu uxor ejus vixerit, ii. bovates pro iis., quos reddit ad cornagium. . . . Simon hostiarius ibidem tenet terram quæ fuit Utredi, cum incrementis quæ Dominus Episcopus ei fecit usque ad lx. acras, et reddit pro omnibus i. besancium<sup>1</sup> ad Pentecostem."<sup>2</sup> Now the first of these gives us the cornage rate at Heighington; it was one shilling on the bovat, and the words "reddit ad cornagium" certainly suggest a contribution to some larger sum. Further, the phrasing of the text suggests a beneficial rating; it was being held at sixty acres—that is, of course, two bovates—and it paid two shillings as a contribution, we can scarcely doubt, to the cornage of the vill. For observe that at the rate of one shilling on the bovat the sixteen villains would pay only thirty-two shillings, four shillings short of the recorded cornage of the vill. Now if you add the four shillings from the two free tenants you have exactly the sum, thirty-six shillings. A similar case occurs at Escombe,<sup>3</sup> where our formula may again be tested. There are fourteen villains, "quorum unusquisque habet i. bovatom, et reddit et operatur omnibus modis sicut villani de North Aclet." At North Auckland each villain rendered nineteen pence cornage. Now at Escombe "Elzibrid tenet dimidiam bovatom, et reddit . . . 9d. de cornagio", that is, at the rate of nineteen pence per bovat he is one-half penny short. The case of Herrington is very instructive.<sup>4</sup> The entry reads as follows: "Duæ partes de Heringtona, quas Hugo de Hermas tenet, reddit [*sic*] 20s. de carnagio et ii. partes i. vaccæ de metride", etc. Observe that it is not the tenant Hugh who is described as paying the cornage and the proportion of the milch cow, but the two parts of the vill which he holds. This corroborates our inference that cornage had become a

<sup>1</sup> *I. e.*, 2 shillings. See *Boldon Book*, 16, 21, 30, 34. On page 30 the best manuscripts give the value of the besant at 4s., but on page 34 all agree on 2s., which was the customary value of the coin. Cf. C. Trice Martin, *Record Interpreter* (London, 1892), glossary, s. v. bisantius.

<sup>2</sup> *Boldon Book*, 21, and notes. I have adopted here the alternative readings which Canon Greenwell has placed in the notes. They correspond in nearly all cases with those of the oldest manuscript of *Boldon Book* (Stowe MS. No. 930, British Museum), of which I have a collation with the printed text. Canon Greenwell was unable to make use of this manuscript (*Boldon Book*, preface, ix). Sir T. D. Hardy was of the opinion that the Bodleian manuscript from which Sir H. Ellis printed the text of *Boldon Book* derived either from the original or from earlier transcripts than that upon which Canon Greenwell's text is based (*Catalogue of Materials*, II. 444); the collation of the Stowe manuscript bears out this view, which I have consequently adopted.

<sup>3</sup> *Boldon Book*, 24-25.

<sup>4</sup> *Ibid.*, 36.

real burden. Sheraton, again, is a case similar to Herrington.<sup>1</sup> John holds one-half of the vill "pro iii. marcis, et est quietus de operationibus et servitiis" in return for Craucrok, which he had quit-claimed to the bishop. "Thomas tenet aliam medietatem de Shururtona et reddit 30s. de cornagio, et dimidiam vaccam de metride", etc. Finally there is a curious case at Whitewell.<sup>2</sup> "Whitewell, quam Willelmus tenet in escambium pro terra, quam Merimius tenebat in Querindune, reddit dimidiam marciam". Now the group of villis known as Quarringtonshire had pasture and paid cornage, and it is probable therefore that when the exchange was made, this incident would be reckoned in the composition at which William was holding his new land. On turning to *Hatfield's Survey* we find this expectation confirmed. The manor of Whitewell there figures as a member of Quarrington. The master of Sherburn hospital holds the manor and the pasture and renders *inter alia* two shillings for cornage.<sup>3</sup>

We may conclude, then, that as early as the time of Bishop Pudsey's survey cornage had begun to lose its original character as an incident of unfree tenure and to assume that of a real burden; so that where a freeman received from the bishop a holding in a cornage-paying manor, or the whole of the manor, he would be responsible to his lord for a proportion or the whole of the cornage of the manor. Fortunately we have a case illustrating this change. In the middle of the twelfth century Laurence, prior of Durham, conveyed to a certain Roger the land known as Pache, a member of Monkton, Jarrow, one of the most ancient parts of the *Patrimonium S. Cuthberti*. The terms of this document are noteworthy: Roger was to hold the land "in feudum et hereditatem, ei et heredibus ejus in perpetuum possidendam, per hanc convencionem, scilicet, quod pro tota hac terra simul reddet 16d. ad Rogaciones et 16d. ad festum Sancti Martini, et pro cornagio dabit 2s. in anno, scilicet, ad festum Sancti Cuthberti, et pro metreth quantum ad eandem terram pertinet, ad festum Sancti Martini."<sup>4</sup> This land was returned to the convent in 1347 by a certain Walter Smyth.<sup>5</sup> In 1373 Thomas Willi was holding of the prior in Monkton eighty acres of land "quondam Walteri Smyth de Monkton quæ solebant reddere scaccario 2s. et pro cornagio 20d."<sup>6</sup>

Here, then, the cornage payment has fastened to the soil, has

<sup>1</sup> *Ibid.*

<sup>2</sup> *Ibid.*, 10.

<sup>3</sup> *Bishop Hatfield's Survey*, 150.

<sup>4</sup> *Feodarium*, 114, note.

<sup>5</sup> *Ibid.* The editor, Canon Greenwell, cites the charter but does not print it.

<sup>6</sup> *Durham Halmote Rolls*, 119.



become a burden on the land, a part of the *forinsecum servitium*, the obligation, that is, which the land owed to the king (in this case to the bishop), regardless of what other tenurial relations might have been established in connection with it. In that phrase lies the key to the later history of cornage in the bishopric. The changes which occurred after the Norman Conquest acted on cornage as on other institutions, fastening it to the soil. In such villas as remained in the bishop's hand, cornage continues to be paid by the villains.<sup>1</sup> In the villas that were granted out by him it became a part of the *forinsec* service which his tenants rendered him and which, no doubt, they collected for themselves from their unfree tenants. This point also may be illustrated by texts. In 1183 the vill of Great Usworth was in the bishop's hand; the villains rendered thirty shillings *de cornagio* and one milch cow.<sup>2</sup> In 1384 "Willelmus de Hilton miles tenet ii partes villæ de Magna Useworth, et Alicia de Moderby terciam partem dictæ villæ per servitium *forinsecum*, et reddunt per annum ad iiii terminos usuales 10s. Iidem Willelmus et Alicia . . . reddunt pro *cornagio* dictæ villæ per annum, ad festum Sancti Cuthberti in Septembri, 30s. Iidem reddunt pro i vacca de metrith, ad festum Sancti Martini, 6s.",<sup>3</sup> etc. The omitted portions contain a list of money payments for the renders and services of the villains as recorded in *Boldon Book*. Like cases will be found at Ivestan, Shera-ton, and Herrington.<sup>4</sup>

In this aspect of cornage as *forinsec* service it might fairly be compared to scutage, the more so owing to the fact that the bishopric was a great franchise in which the bishop was rapidly attaining recognition of his claim to be "in loco regis".<sup>5</sup> To illustrate this we may match Prior Laurence's charter, quoted above, with another issued somewhat later in the century. Odo de Bruntoft grants certain lands to Reiginard son of William to be held by him at the service of one pound of pepper and "faciendo . . . *forinsecum servitium Domini Regis* scilicet scuagium in denariis quando communiter ponitur inter milites et barones de haliwariffolc quantum pertinet ad duas bovatas terræ in eadem villa."<sup>6</sup>

Let us bring together now the results of our examination of the Durham evidence. In the first place, whatever the origin of cornage may have been, it was, when we meet with it in the documents of

<sup>1</sup> *E. g.*, *Hatfield's Survey*, s. v. Boldon, Easington, Middleham, Ryhope.

<sup>2</sup> *Boldon Book*, 35.

<sup>3</sup> *Hatfield's Survey*, 102.

<sup>4</sup> *Boldon Book*, 31, 36; *Hatfield's Survey*, 119, 152, 157.

<sup>5</sup> G. T. Lapsley, *The County Palatine of Durham* (New York, 1900), chapters I., II., V.

<sup>6</sup> This charter is printed *in extenso* in Surtees, *Durham*, III. 386.

the twelfth century, an incident of unfree tenure. Further, it was not universal in the bishopric, but occurred only in such villas as had pasture, and there it represented at once the villains' recognition of their lord's proprietorship of the pasture and a payment for the use of it by their cattle. This payment, it would seem, had originally been made in kind out of the annual increase of the herd, but in the twelfth century was already compounded for a money payment and the render of a milch cow. Then we have marked in the twelfth-century documents the tendency of this payment to fasten itself to the soil and become a real burden running with the land without regard to the status of the holder. Finally, from later documents we have been able to assert the predominance of this tendency, which caused cornage—or rather the money composition for cornage and the milch cow together—to merge in the forinsec service of such lands as were charged with this burden.

Certain other results, no less important because they are negative, may also be stated as the outcome of our inquiry. We have seen no warrant for describing cornage as a tenure such as might be coördinated with socage or serjeanty or the like. It was rather one of many incidents of villain-tenure peculiar to such villas as enjoyed certain advantages from their lord. Again, we have met with no reason for connecting cornage with any special form of military service incumbent on the entire bishopric. That is on the face of it impossible, because cornage was not universal. This last objection, again, will hold against any attempt to describe cornage as a general impost or tax. It is desirable to have these negative results clearly stated, because evidence will be forthcoming from other counties in apparent contradiction of them.

From the bishopric of Durham we turn naturally to the neighboring county of Northumberland, which had also formed part of the ancient kingdom of Northumbria. With this fact in mind, we should naturally expect to find the history of cornage the same here as in Durham; to find, namely, a seigniorial due transmuted into a real burden, or more fully, a render for the agistment of cattle, originally made in kind, then compounded, then fastening to the soil and becoming part of that forinsec service which might always be demanded of the land, regardless of the status of him who held it. Evidence illustrating the first stage of this history is not forthcoming. I have not found any charter to match the Burton documents, which throw so much light on cornage in the bishopric. It may indeed be suspected that the transition to the second stage was made more rapidly here than in Durham, where the peculiar conditions of government caused the development of institutions to lag behind

the kingdom, and that in Henry I.'s time men were already regarding cornage simply and solely as a burden or service. An often-quoted text bears this out. When the Cistercian house of Newminster in Northumberland was founded in 1137, it received from Ralph de Merlay certain lands which had come to him as the portion of his wife Juliana, daughter of Cospatric, earl of Northumberland. This grant, originally made by Henry I. and confirmed by Stephen, was, when the lands were conveyed to the convent, again confirmed by Edgar, son of Cospatric,<sup>1</sup> and this last document furnishes a striking text. The lands in question are confirmed to Juliana in frank marriage to be held of Edgar fully and freely "exceptis tribus serviciis, videlicet comunis excersitus in Comitatu, et cornagio, et comune opus castelli in Comitatu". So early, then, cornage was regarded merely as a burden on the land. We may even well believe, in view of some later evidence, that men had forgotten altogether its original character and meaning.

Then from Northumberland we have conclusive evidence that the tenants who paid cornage to the king collected it previously from their villis, and that they continued to do so even when they were granted exemption from cornage payments to the king. In the year 1205 King John granted to the monks of Tynemouth exemption from the cornage which their land owed.<sup>2</sup> The sum is not stated, but we learn from the *Red Book* that it amounted to 11. 4s.<sup>3</sup> Now in a rental of the priory of Tynemouth, compiled about 1378, the amount of cornage collected by the monks from the villis that held of them is recorded,<sup>4</sup> and a comparison of these figures shows that the monks were taking from their tenants a larger sum than they owed to the king before the exemption. The main point, however, is that the monks who owed cornage to the king as his tenants were collecting it from the villis, their tenants. In the *Red Book of the Exchequer* there is a list of the cornage payments which the crown derived from Northumberland, compiled in A. D. 1264-1265.<sup>5</sup> This enumerates twenty-two baronies rendering sums varying from eight pence to sixty shillings. That the charge was levied on cer-

<sup>1</sup> *The Priory of Hexham* (edited by J. Raine, Surtees Society No. 44), I., appendix, ix, xiii; *Newminster Chartulary* (edited by J. T. Fowler, Surtees Society No. 66), 268-269.

<sup>2</sup> *Rotuli Litterarum Clausarum*, edited by T. D. Hardy (Record Commission, 1833), 6 John, Memb. 5, I. 25; also printed in Thomas Tanner, *Notitia Monastica* (Cambridge, 1787), 391, Northumberland, No. XXVII.

<sup>3</sup> *Red Book of the Exchequer*, edited by Hall, Rolls Series, II. 713-714.

<sup>4</sup> *Sixth Report of the Historical MSS. Commission* (London, 1877), appendix, 224. An extract from this document, giving the names of the villis and the amounts they paid, may be found in John Brand, *History and Antiquities of Newcastle-upon-Tyne* (London, 1789), II. 79.

<sup>5</sup> *Red Book of the Exchequer*, II. 713-714.

tain vill in every barony, not on the barony as a whole, may be inferred partly from the variation in amount, partly from the fact that the list contains also the names of seven villis paying cornage individually. Early in the reign of Edward I. the institution which we are studying came under the notice of the king's judges, who turned to local juries for fuller information, and the results reached in this fashion were indeed surprising.<sup>1</sup> One point is clear: nobody knew what cornage really was, and every one was desirous of getting it classified, of fitting it into the existing order of things. Then in 1279 before the king's justices the *villata* of Alnwick said that Henry de Mulesfen held the vill of Millisfen of the king in socage and rendered annually, *inter alia*, fourteen pence *pro cornagio* and that Henry de Saint Paul held the vill of Bothal on the same terms.<sup>2</sup> Here difficulties begin, for these cornage payments are represented as incidents of socage tenure; but on turning to another record, we find that both these villis were held of Henry III. in drengage.<sup>3</sup> Suspending the question for a moment, let us take one further step in the Northumberland evidence with regard to cornage.

In 1279 the question of cornage and drengage was directly presented to the courts for solution, and from the point of view of the historian a sorry mess they made of it. Thomas de Fenwick, a minor, was heir to the manors of Fenwick, Matfen, and East Matfen. John de Herwythona asked wardship of Thomas's person and land, as his nearest relative. To this, however, Robert de Insula opposed a like demand on the score that Thomas held of him by military service. The jury said that Thomas (the heir's grandfather) had held the manors of Othniel de Insula (the defendant's father) in drengage until this was commuted between them for an annual payment of five pounds and the performance of forinsec service. Asked to specify the content of this service, they said cornage and suit of court. On being further pressed, they gave an amazing definition of cornage, and the whole matter was eventually referred for solution to the king's council.<sup>4</sup> Two important points should be noticed here: the court was only trying to find some place in the feudal scheme into which this troublesome institution of cornage would fit; the jury, ignorant of what cornage might really be, recognized in it, with suit of court, the characteristic incidents of drengage tenure. Now, in the same year, as it happens, the matter was again before the courts. Robert de Vitton brought an assize of

<sup>1</sup> See below, pages 680-681.

<sup>2</sup> *Northumberland Assize Rolls* (edited by William Page, Surtees Society No: 88), 335.

<sup>3</sup> *Testa de Nevill* (Record Commission, 1807), 389.

<sup>4</sup> *Placitum Abbreviatum* (Record Commission, 1811), 194b. This case is fully discussed by Professor Maitland in *English Historical Review*, V. 625 ff.

*mort d'ancestor* against John de Haulton with respect to Great Whittington. John answered that he claimed nothing in the land except the wardship of the heir whose father "de eo tenuit per forinsecum servitium, scilicet, per cornagium". Robert rejoined "quod nullum servitium cornagii in comitatu isto est causa custodiæ", and cited the Fenwick-Matfen case of which we have just spoken. This seems to have been the leading case for Northumberland, and the demandant recovered seisin and damages.<sup>1</sup>

Here then are surprising developments. What was originally a villain render has become a real burden and a part accordingly of the forinsec service of certain lands by whomsoever held; now one step further is taken, and the term cornage is used to describe a form of tenure. If we look to the Cumberland records we shall find the expression *tenere per cornagium* (or *in cornagio*) as commonly used as *tenere per scutagium* in other counties, and yet we shall see reason to believe that in its origin the Cumberland cornage was not different from that of Durham or Northumberland.

We have reached here then the crux of all the modern discussion of cornage. John Hodgson Hinde, Professor Maitland, Mr. Seeböhm, Mr. Round, and Mr. Crump, as we have seen, believed that cornage was in some sort a payment for the agistment of cattle. They all show good reason for the faith that is in them, but none of them meets or answers the troublesome question raised by those documents that uncompromisingly describe cornage as a mode of tenure. Canon Greenwell,<sup>2</sup> Mr. Hall,<sup>3</sup> and the Rev. James Wilson,<sup>4</sup> on the other hand, would see in cornage something more than a mere fee for the agistment of cattle, and connect it with an ancient mode of military tenure; and they too can bring documents to support their view.

For my own part, I venture to think that these groups of scholars have been looking at the two sides of the shield, that they have naturally been misled by the confusion which prevailed among the thirteenth-century judges and officials who were called upon to disentangle an intricate question involving an institution that was already obsolete. The solution of the matter may perhaps be found in an examination of the institution of drengage. This was already indicated by Professor Maitland in his article referred to above, but although he there studied both cornage and drengage, he made no attempt to bring the two into any organic or even necessary relation. Now, I do not believe that normally any such relation ex-

<sup>1</sup> *Northumberland Assize Rolls*, 223-224, 237.

<sup>2</sup> *Boldon Book*, glossary, s. v. cornage, appendix, lv.

<sup>3</sup> *Red Book of the Exchequer*, II., preface, ccxxxvi-ccl.

<sup>4</sup> *Victoria History of Cumberland*, I. 295-335.

isted, but that, to anticipate in a phrase the results of the more detailed examination that is to follow, two ancient and already obsolescent institutions, crushed together under the weight of the feudal superstructure, ended in the thirteenth century by amalgamating.

The tenure known as drengage does not here require so minute an examination as the subject of cornage, partly because it is in itself less intricate and has already been the subject of pretty full treatment at Professor Maitland's hands,<sup>1</sup> and partly because our main purpose is merely to illustrate the possible connection between the two institutions.

This tenure, the peculiarity of which, in the feudal age, was to show attributes at once of knight-service, serjeanty, and villain-tenure, was indeed "older than the lawyer's classifications, older than the Norman Conquest".<sup>2</sup> Professor Maitland has dwelt at length on the striking similarity between Bishop Oswald's riding-men and the drengs of the twelfth century,<sup>3</sup> and has collected much evidence for the post-conquest drengs.<sup>4</sup> The term dreng seems to have been used before the Conquest to describe a fighting man or warrior,<sup>5</sup> but what relation it may have borne to the familiar term thegn does not appear. Hinde thought that the two were the same.<sup>6</sup> Spelman, followed by the editors of Du Cange, suggested a Danish origin, which seems the more probable, as there is a cognate Danish word with an appropriate sense, and as the earliest example of the Anglo-Saxon usage given in Toller-Bosworth is from the year 991.<sup>7</sup> The main point, however, is that the Anglo-Saxon dreng was by no means a base or agricultural tenant, but a person of condition, and this is illustrated by a story preserved in Simeon of Durham's *Historia Regum*. This is an account of the translation of the body of Bishop Alchmund of Hexham in the year 1032. The event was naturally one of local importance, and it is to be observed that the chief figure in the transaction, the director of the affair, since he was the object of no less than two visions, is described as "a certain dreng (quidam Dregmo)". Simeon lets us see him as a personage in the community "eum omnes vicini sui in magno honore habebant".<sup>8</sup>

<sup>1</sup> *English Historical Review*, V. 625 ff.; *History of English Law*, first edition (1895), I. 258, 356, note; *Domesday Book and Beyond*, 308-309.

<sup>2</sup> *History of English Law*, loc. cit.

<sup>3</sup> *Domesday Book and Beyond*, 304-309.

<sup>4</sup> *English Historical Review*, V. 625 ff.

<sup>5</sup> Toller-Bosworth, *Anglo-Saxon Dictionary* (Oxford, 1882), s. v. Dreng, citing *Byrhtnoth's Death* (A. D. 991) and, for later usage, *Layamon's Brut* (A. D. 1200-1204).

<sup>6</sup> Hodgson, *Northumberland*, I., Part I., 253 ff.

<sup>7</sup> Henry Spelman, *Glossarium Archæologicum* (London, 1664), s. v. Drenches; C. D. Du Cange, *Glossarium* (7 vols., Paris, 1840-1850), s. v. Drench.

<sup>8</sup> *Symeonis Monachi Opera* (edited by Thomas Arnold, Rolls Series, 1882-1885), II. 47-50. See the editor's note in loc.

The drengs of *Domesday Book* have been sufficiently described by Professor Maitland in the essay already cited. But the Durham records illustrate the survival of this class in a region not included in the Great Survey. An English charter of Bishop Ranulf Flambard (A. D. 1099-1128) is addressed to all his thegns and drengs of Islandshire and Norhamshire.<sup>1</sup> Then there is a curious document which, although it has reached us by devious ways and in its present form is certainly post-conquest, may still be cautiously admitted as casting some light on the subject in hand. This is a memorandum that stood at the head of a Durham gospel book that has now perished, recording the "consuetudo et lex sancti patris Cuthberti . . . antiquitus instituta". Before the solemn celebration of the feast of St. Cuthbert in September "omnes Barones, scilicet Teines et Dreinges, aliique probi homines, sub Sancto prædicto terram tenentes" assembled at Durham to renew and confirm the peace of St. Cuthbert.<sup>2</sup> The point need not be further labored; it is clear enough that up to and at the time of the Conquest the drengs were persons of social consequence.

There is an odd story preserved by Spelman which, although as it stands it can have no value as evidence, yet seems to contain the root of the matter, the fact, namely, that the post-conquest drengs were the descendants of those Englishmen who for one reason or another were not dispossessed by William, but transmitted their lands to their sons on the terms on which they had received them from their fathers. To what extent, if to any, these men were touched by the great homage of 1085 cannot be determined. Spelman drew the tale from a manuscript that came to him from the Sharnburn family in Norfolk, and he seems to have had some misgivings about it himself; "si mihi met ipse non imponam" are his words. A cer-

<sup>1</sup> *Feodarium*, 98, note; also printed in Surtees, *Durham*, I., appendix, ccxv, No. I.

<sup>2</sup> *Historia Dunelmensis Scriptores Tres* (edited by J. Raine, Surtees Society No. 9), appendix, cccxxx, No. cccxxii. The gospel book containing this entry is described as an offering of King Athelstane to St. Cuthbert, and was certainly earlier than the Norman Conquest. It passed from Durham into the Cottonian collection and was destroyed, or nearly so, in the fire of Ashburnham House in 1731. See the report of the commissioners appointed to examine the Cottonian manuscripts after the fire, in *Reports from Committees of the House of Commons* (reprinted, London, 1803), Miscellaneous, 1715-1735, I. 471. The manuscript in question was classed as Otho B. IX. The entry cited in the text had been copied by John Rowell into the register of the dean and chapter of Durham, and in 1715 this copy was collated with the original by Mickleton, the Durham antiquary; see Canon Raine's note in *Scriptores Tres*, loc. cit. This is not the place to enter into the *Quellenkritik* of this curious document, but it may be remarked that, whatever the date of the form (and it is manifestly post-conquest), the substance cannot be older than A. D. 991, the year of the translation of the body of St. Cuthbert, the event commemorated by the September feast; see *Acta Sanctorum Bollandiana* (reprinted, Paris, 61 volumes, 1863-1875), Septembris Tomus Secundus, 2; Martii Tomus Tertius, 126.

tain Edwin, with other Norfolk Englishmen who had been dispossessed, represented to the Conqueror that they had never opposed him at any time or in any fashion, and asked to be reinstated. On this William caused the matter to be searched out through all England, and when it appeared that Edwin and his friends had spoken truth, caused them and such others as were in like case to be reinstated, and appointed that ever after they should be called drengs.<sup>1</sup>

Now from Cumberland and Westmoreland we get evidence suggesting a pretty considerable survival of pre-conquest tenures beneath the feudal forms which the Normans imposed on those regions. It has been generally assumed that most of the feudal tenures in Cumberland were established by Henry I., but a recently-discovered document makes this very doubtful. This is an English letter of Gospatric son of Maldred, which shows him in possession of Allerdale between 1072 and the conquest of Cumberland by William in 1092.<sup>2</sup> Gospatric was succeeded by his son Waldeve, but the Great Inquest of 1212 reports that Allerdale was granted to Waldeve by Henry I. to be held of the king by the service rendering annually 15l. 13s. 4d. for cornage.<sup>3</sup> The tenure of Allerdale therefore was pre-conquest, and further we learn from the document just cited that Gospatric had drengs holding of him, for in the opening clause he greets all his dependents, "free and dreng", and it is scarcely probable that the tenure of these dependents was in any wise altered by the establishment of a new relation between their lord and the king. The same generalization will apply to Westmoreland, where the general feudalization seems to have come even later. At the beginning of the thirteenth century King John granted to Robert Vipont the baronies of Appleby and Burgh with the shrievalty (*ballivatum*) and profits of the whole county and the services of all tenants who were not holding of the king in chief, all to be held at the service of four knights.<sup>4</sup> All troublesome old tenures were thus at one stroke decapitalized, as it were, brought bodily into the feudal scheme without any displacement of the tenants or any essential alteration of their tenure. Thus the Sharnburn story

<sup>1</sup> Spelman, *Glossarium*, s. v. Drenches; Du Cange, *Glossarium*, s. v. Drench. The manuscript in question, written in a sixteenth-century hand, seems now to be in the Ashmolean collection; its spuriousness has long been recognized. See *History of Norfolk* (10 vols., Norwich, 1781 ff.), s. v. Smithdon, IX. 80-82; Francis Blomefield, *Norfolk* (11 vols., London, 1805-1810), X. 350-353; David Hume, *History of England* (edition Oxford, 1826), note H, I. 425; Joseph Nicolson and Richard Burn, *Westmorland and Cumberland* (2 vols., London, 1777), I. 22.

<sup>2</sup> "An English Letter of Gospatric", edited by James Wilson, *Scottish Historical Review*, October, 1903, 62-69.

<sup>3</sup> *Testa de Nevill*, 379 b.

<sup>4</sup> This charter is printed *in extenso* in Nicolson and Burn, *Westmorland and Cumberland*, I. 267-268.



represents, in a popular and even dramatic form, what actually took place quietly and slowly. Returning to the Durham evidence, we find that in 1130 the keeper of the temporalities accounted for payments made by thegns and drengs between Tyne and Tees.<sup>1</sup>

*Boldon Book* discloses the details of drengage in the twelfth century. The burdens of the tenure at this time may be arranged in three classes, namely, personal services, money payments, and occasional obligations.<sup>1</sup> Under the first of these, week-work and boon-days such as the villains gave were practically universal,<sup>2</sup> but these are commonly rendered by the dreng's men or his "whole household except the housewife".<sup>3</sup> Carting of some kind, commonly of wine, was also very general.<sup>4</sup> Then there was special work on mills, fish-ponds, and the like.<sup>5</sup> But the characteristic services of the dreng were taking part in the bishop's hunt, the *magna casa*<sup>6</sup> (this included the provision of a horse and a dog, which had to be cared for throughout the year), and carrying the bishop's messages; "et vadit in legationibus" is a phrase which occurs again and again.<sup>7</sup> In many cases the dreng is required to perform *utware* (probably a survival of the ancient obligation of the fyrd) when it is appointed in the bishopric.<sup>8</sup> Finally under this head, the dreng owed suit at the bishop's court.<sup>9</sup> Under the second head, money payments, two classes appear, one the render of a fixed sum the purpose of which is not specified,<sup>10</sup> and the other the render of *auxilia*.<sup>11</sup> Finally, under the third head, tenure of this sort was subject to a group of very interesting occasional obligations. The first of these is wardship. We have seen it stated in terms that land held in cornage tenure in Northumberland was not subject to wardship, but the generalization was restricted to Northumberland, "nullum servitium cornagii in comitatu isto est causa custodiæ", and the point is made quite clear by an entry in *Boldon Book*. Four bovates of land which Elstanus *drengus* had held in West Auckland are in the bishop's hand "donec filius Elstani sit adultus". The bishop has

<sup>1</sup> *Rot. Pip.* 31 Hen. I., in *Boldon Book*, appendix, ii.

<sup>2</sup> *E. g.*, *Boldon Book*, 17, 18, 19-20, 36.

<sup>3</sup> *Ibid.*, 18; "tota familia domus, excepta husewyva".

<sup>4</sup> *Ibid.*, 37.

<sup>5</sup> *Ibid.*, 38.

<sup>6</sup> *Ibid.*, 36-38. This occurs so frequently in *Boldon Book* that Mr. Seebohm was led to describe drengage as the hunting tenure, *Village Community*, 71.

<sup>7</sup> *Boldon Book*, 18-20, 27-38.

<sup>8</sup> *Ibid.*, 17; *Feodarium*, notes on 129, 132-133, 141; *Newminster Chartulary*, index, s. v. *Utware*. Professor Maitland has discussed the term in *English Historical Review*, V. 625 ff.

<sup>9</sup> *Boldon Book*, 36-38.

<sup>10</sup> *Ibid.*, 17, 19-20.

<sup>11</sup> *Feodarium*, 114, note; cf. *Testa de Nevill*, 752.

given Elstan's wife "xii. acras quietas ad pueros suos alendos". The rest of the land pays thirteen shillings and renders the services which Elstan used to render.<sup>1</sup> This obligation is not necessarily post-conquest; instances of it, it will be remembered, have been discerned in the tenth century.<sup>2</sup> Then there was the *merchet*,<sup>3</sup> heriot,<sup>4</sup> and *metred* or *metriz*. The nature of the first two of these is sufficiently well understood. As for the last, the term must be connected, I think, with the *vacca de metride*, the milch cow which the cornage vills were required to render annually. In the Durham evidence these obligations do not occur in connection with the term drengage, but the nature of the tenure is unmistakable. Take the charter which we have already considered in another relation, by which Prior Laurence (A. D. 1149-1154) conveyed to a certain Roger the land of Pache in Monkton. Roger was to render thirty-two pence annually, two shillings for cornage, for "metreth" "as much as belongs to the land", he was to do certain days of plowing and harrowing, in harvest-time he was to reap four days with two men, for "heriet" he was to pay six oras,<sup>5</sup> for "merchet" six oras, and he was to acquit the land of as much "utware" as belonged to it.<sup>6</sup>

These cases in Durham are matched by Northumbrian evidence from the next century. In the returns made to the king's demand for an aid in 1235, fourteen and a half vills are recorded as held of the king in chief in drengage, and the incidents of this tenure are also set down. Thus, Thomas de Bodenhale holds Bothal of the king in chief in drengage; he renders annually twenty shillings and truncage at Bamborough Castle, he is tallaged with the king's demesne, and owes fourteen pence cornage, sixteen shillings *merchet*, sixteen shillings heriot. For service there is plowing and harrowing with eight men. Then there are certain miscellaneous payments, some of which have a feudal character, forfeiture and relief, pannage and suit at the king's mill. The tenure of Henry de Millisfen, which follows, is equally explicit, but it shows no further details except the incident of carting grain.<sup>7</sup>

<sup>1</sup> *Boldon Book*, 26; cf. *Registrum Palatinum Dunelmense* (edited by T. D. Hardy, Rolls Series, 1873-1878), III. 62.

<sup>2</sup> Maitland, *Domesday Book and Beyond*, 310.

<sup>3</sup> Pollock and Maitland, *History of English Law* (first edition), I. 354-356; *Year Book*, 15 *Edward III.* (edited by L. O. Pike, Rolls Series, 1891), introduction, xv-xliii.

<sup>4</sup> Pollock and Maitland, *op. cit.*, I. 293-295, 297-298.

<sup>5</sup> The use of this term suggests an ancient and Scandinavian origin; cf. Seebohm, *Tribal Custom in Anglo-Saxon Law* (New York, 1902), 234-237.

<sup>6</sup> *Feodarium*, 114, note; cf. also notes to 27, 40, 42, 62, 64, 66, 68, 70. For the survival of heriot see the case of a tenant's compounding for his predecessor's best beast in 1368, in *Durham Halmote Rolls*, I. 75.

<sup>7</sup> *Testa de Nevill*, 389.

The amount of land held on these terms, the size of a normal drengage tenement, is another perplexing point. From an entry in *Boldon Book*,<sup>1</sup> to the effect that Robert Fitz Meldred held one carucate at Whessoe at the service of one-fourth part of a drengage, one is tempted to generalize that the normal drengage contained four carucates. But the mischance of those who have attempted to determine the content of the knight's fee warns one, and on turning to another part of the same record we read that Elstan the dreng held four bovates at West Auckland.<sup>2</sup> In truth there was no normal drengage holding; on the one hand we may read how at Escombe Elzibrid held one-half a bovat in drengage and paid nine pence cornage,<sup>3</sup> and on the other how William holds Oxenhall and does the service of the fourth part of a drengage.<sup>4</sup> Or, better still, the evidence of a later record which states that Ralf de Binchester holds Binchester and Hunwick "per cartam Domini episcopi per servitium forinsecum, quondam tenentur in dryngagio per librum de Boldon".<sup>5</sup> A drengage tenement, then, might be an allotment of land in a vill or the whole vill itself.

From this evidence we have been able to form a consistent notion of the obligations and incidents of drengage tenure. From the feudal point of view it must, indeed, have been perplexing enough, showing, as it did, attributes of military, socage, and unfree tenure. If we step backward, however, into a remoter age, the relation becomes natural and consistent.

As Professor Maitland has pointed out, this kind of relation existed and was understood in the pre-conquest period. Tidings of the same sort of thing come to us from Frankland. In the eighth and ninth centuries freemen were holding beneficia for which they performed not only the riding-service which Bishop Oswald required, but agricultural labor as well, carting, mowing, and the like, with their men, and rendered money payments. These holdings, moreover, were sometimes an entire vill, sometimes an allotment of land in a vill, but in the latter case the tenant performed his services independently of the dependent community, not in coöperation with it, although his land in the open field might be intermixed with theirs.<sup>6</sup> I do not, of course, intend to identify pre-conquest dreng-

<sup>1</sup> *Boldon Book*, 20.

<sup>2</sup> *Ibid.*, 26.

<sup>3</sup> *Ibid.*, 25.

<sup>4</sup> *Ibid.*, 17; cf. *ibid.*, 36, 42, and *Feodarium*, 140, note.

<sup>5</sup> *Hatfield's Survey*, 34; cf. the case of Whitworth, which Thomas de Acley was holding at the quarter of a knight's fee by the charter of Bishop Pudsey, who had exchanged Thomas's drengage for military service, *Boldon Book*, 27, and appendix, xliii.

<sup>6</sup> See an instructive presentation of this matter in G. Seeliger, *Die soziale und politische Bedeutung der Grundherrschaft im früheren Mittelalter* (Leipzig, 1903), 27-44.

age with the Frankish beneficium, but merely to suggest that in the eighth, ninth, and tenth centuries relations of a strikingly similar nature existed between the owners and occupiers of land on the continent and in England.

We may now ask ourselves, What was the relation between cornage and drengage? Were not the two terms confused, and did they not in the thirteenth century come to be used interchangeably without any very clear understanding of either of them? We have seen that some such confusion existed in the thirteenth century. The Great Whittington case, where there was tenure *per cornagium*, was decided on the precedent of the Matfen-Fenwick case. Now the tenure of these manors, as we have seen, was converted drengage, retaining the forinsec service, which consisted of cornage and suit of court. The alternative phrase used to describe the tenure of Great Whittington was forinsec service. The natural inference is that Great Whittington was a converted drengage, still charged with forinsec service, *i. e.* cornage dues and probably suit of court, and that for want of a more accurate term men had come to describe this odd relation as tenure *per cornagium*.

But there is other evidence pointing in the same direction. It has been noted that the list of Northumbrian cornages in the *Red Book* enumerates twenty-two baronies and seven villis, recording the amount of cornage paid by each. Now if we turn to the pipe-roll for 3 Henry II.,<sup>1</sup> we shall find a list of drengage tenements at that time in the king's hand which corresponds point for point with the cornage-paying villis of the *Red Book*. The villis that were held in drengage in Henry II.'s reign are chargeable with cornage in the reign of his grandson. In regard to two of the villis included in this list we have some further information. Mousen (Millisfen) and Bothal, as we have seen, were officially described in the middle of the thirteenth century as being held of the king in socage and paying cornage and also as being held of the king in drengage with all the incidents of normal drengage tenure and the obligation of cornage. Moreover all the incidents of drengage are enumerated in the presentation that describes the tenure as socage.

Now in examining the *Boldon Book* evidence with regard to cornage we met with a difficulty in the shape of cornage-paying freemen who held the whole or part of certain villis. This we endeavored to surmount by the suggestion that these tenants were simply placed between the bishop and the cornage-paying land from Waitz, Roth, and Brunner in their treatment of the beneficium do not develop the aspect of the question which bears on our subject and which Professor Seeliger has well emphasized.

<sup>1</sup> Hodgson, *Northumberland*, I. 257.

which they collected the due and made their render to the bishop. Although the case of the prior of Tynemouth, who collected cornage from his vills and rendered a proportion of the sum to the king, warns us that this arrangement does not involve any particular form of tenure, there is still room for the inference that in the cases of Matfen, Great Whittington, Fenwick, Mousen, and Bothal just such an arrangement as this had been made. The process would then be on this wise: A dreng receives a grant of a vill which owes cornage. To the regular incidents of his drengage, then, he will be required to add the duty of collecting the cornage and making a render to the king. Whether or not in theory he must render the full amount that he has collected does not appear. In practice, as we may infer from the case of the prior of Tynemouth, he would probably retain a proportion of it. Then with altered economic and social conditions drengage became meaningless, the dreng was classed with other freemen in spite of the unfree obligations for which he was paying a money composition, and his tenure was regarded as an odd or troublesome form of socage or serjeanty. Or, in many cases, the whole of the drengage disappeared by mutual consent. But where the dreng had owed cornage, that, being a real burden, remained as part of the forinsec service, and could easily be regarded by an age incurious about the history of institutions as the determining feature of an unusual and troublesome tenure. And so men would come to describe a converted drengage as a tenure *per cornagium*.

It need scarcely be remarked that there was no necessary connection between drengage and cornage. For it seems that any land might be held in drengage, but in Durham certainly cornage was levied only on vills having pasture. It should be remembered that this adventitious connection was taking place under the pressure of the feudal superstructure. An example will illustrate this. The serjeanty of Matfen was granted by King John in 1200 to his servant Sawalus and in 1212 to Philip de Ulecote.<sup>1</sup> In 1250 Othniel de Insula held Fenwick and Matfen of Hugh de Bolebec at the service of nine knights and a half.<sup>2</sup> But Henry de Fenwick held the manors of Fenwick and Matfen of Othniel in drengage, which Othniel by his charter afterward remitted against an annual payment of one hundred shillings and the discharge of forinsec service.<sup>3</sup>

In Northumberland the normalizing influence of a strong central government seems to have swept away drengage and cornage by the

<sup>1</sup> *Rotuli Chartarum* (edited by T. D. Hardy, Record Commission, 1837), I. 76, 190.

<sup>2</sup> See the *inquest post mortem* in respect to Othniel's land, printed *in extenso* in Hodgson, *Northumberland*, I., Part II., 168.

<sup>3</sup> *Placitorum Abbreviatio*, 194b.

fourteenth century. In Durham, however, with its virtual home rule, they were not forgotten, although they had become, in effect, mere rent charges on land held in various ways.

It now remains to deal with the evidence from Cumberland and Westmoreland, for it is upon these documents that the writers who regard cornage as a tenure base their conclusions. The material for this discussion has, as far as Cumberland is concerned, been brought together by Mr. Wilson after a careful search through inedited as well as printed documents, and appears in his chapter in the first volume on Cumberland in the *Victoria County Histories*. It will suffice therefore to give a summary or provisional statement of the evidence instead of the more minute exposition that was necessary in the case of Durham and Northumberland.

In the twelfth century cornage occurs frequently in Cumberland, and an important document from the middle of the century illustrates the nature of the institution. William, earl of Albemarle, granted to the monks of St. Bees "vi. vaccas in perpetuam elemosinam reddendas anno omni quo meum Noutegeld debuerit fieri [in Coupland]".<sup>1</sup> Then in the pipe-roll of 1130 the sum of 85l. 8s. 8d. is accounted for, for the *noutegeld* of Cumberland, and when the regular series begins it becomes apparent that this amount scarcely varied from year to year.<sup>2</sup> If we read these documents in the light of the evidence we have already examined, particularly if we compare the St. Bees charter with the Burton documents quoted above, we may fairly infer that at this period the cornage of Cumberland did not differ from that of Durham and Northumberland, that it was a render in kind from the villis which turned cattle upon the lord's pasture, and a render which had already become a fixed burden collected by the lords (in kind still, as it would seem) and paid to the king in the form of a money composition.<sup>3</sup> The inference seems authorized, although the later evidence suggests perhaps that cornage was more extensively paid here than in Durham, where, as we were able to show from *Boldon Book*, it was not by any means collected from all the villis of the bishopric.

Henry I. granted to Hildred of Carlisle "terram que fuit Gamel filii Bern et terram illam que fuit Glassam filii Brictrici Drengnorum meorum reddendo inde mihi per annum de servicio gablum animalium sicut alii liberi homines . . . reddunt qui de me tenent in

<sup>1</sup> The document is printed *in extenso* in *Victoria History of Cumberland* (hereafter cited *Cumberland, V. C. H.*), I. 316, note.

<sup>2</sup> *Ibid.*, 314-315.

<sup>3</sup> There is a suggestion of a survival of a like render in kind as late as 1231, in a document printed in the *Guisbrough Chartulary* (edited by W. Brown, Surtees Society Nos. 86 and 89), II. 320.

capite in Cumberlanda. Et facient inde aliud servitium tale quale alii liberi homines mihi de terris suis faciunt.”<sup>1</sup> Hildred receives the land of a dreng to be held of the king in chief; he is obliged to pay cornage and to perform other services. Here it is stated in terms that all the tenants in chief paid cornage to the king, but it by no means follows that all the land held in chief, *i. e.* all of the county, paid cornage to the king’s tenants. In view of what we know from Durham, it is quite permissible to suppose that every tenant in chief was required to collect and turn over to the king the cornage from the villis in his holding that owed that obligation. The matter then becomes an arrangement of convenience for the financial administration of the county. It should be remembered also that it was not until Henry I.’s time that Cumberland was effectively incorporated into the kingdom, and such a measure would fit well with the character and methods of that king. Then there is evidence going to show specifically that this burden was already attached to the soil and reckoned as part of the forinsec service, the obligation which the land owed the king regardless of what tenurial relations might have been established in connection with it. About 1162 Gospatric son of Orm granted certain lands to the monks of Holmcultram in such wise “quod faciemus pro Monachis omne forense et terrenum servitium, quodcumque ad Dominum Regem pertinet, scilicet, de Noutegeld et Endemot”,<sup>2</sup> etc. So far, then, there is no difficulty; in Cumberland, as in Durham and Northumberland, cornage had become a real burden, a part of the forinsec service. It remains to see how it developed.

If we turn to the thirteenth-century evidence, we shall hear a great deal of cornage tenure. In the *Red Book* there is a list (A. D. 1210–1212) of those “qui tenent per servitium militare et per servitium cornagii in hoc comitatu”.<sup>3</sup> But the entries here confirm our hypothesis with regard to Cumberland cornages in the twelfth century. “Nicholaus de Stuteville, lvi s. de cornagio de ii villis in dominico et iii in homagiis”, and so on down the list; obviously, the tenants in chief are collecting cornage from their villis, whether in demesne or service, and rendering part or all of it to the king.<sup>4</sup>

Two points, however, are to be noticed. First, these tenants in chief are not holding by military service. The distinction is already made in the rubric quoted above, and the first three entries on the

<sup>1</sup> *Placitorum Abbreviatio*, 67a.

<sup>2</sup> *Cumberland*, *V. C. H.*, I. 321. The charter is also printed in Sir William Dugdale, *Monasticon Anglicanum* (6 vols., London, 1846), V. 609.

<sup>3</sup> *Red Book*, II. 493.

<sup>4</sup> In 1201 the men of Penred fined with the king that they might hold their vill at the ancient farm plus the render of cornage and one hundred shillings. *Rot. Pip.* 3 *John*, in *Cumberland*, *V. C. H.*, I. 388.

list are of men holding by two, one, and one-half fees respectively, and not paying cornage. The first of these is Robert de Vallibus, who has sixteen vills, ten in service and six in demesne, for which he owes the king the service of two knights (*ii feoda*); and we know that in 1158 Henry II. had granted the barony of Gillesland to Hubert de Vallibus as a fee of two knights "*quietas ab omni Neutegeldo*".<sup>1</sup> Second, there is a note appended to the list in the *Red Book* to the effect that "*omnes supradicti tenentes per cornagium ibunt ad præceptum Regis in exercitu Scocyæ; in eundo, in antegarda; et in redeundo, in retrogarda*".<sup>2</sup> The same information, of course, is recorded in the *Testa de Nevill*.<sup>3</sup> Now, it must be borne in mind that all this was elicited by the Great Inquest of 14 John undertaken to increase the revenues by reviving "rights of the Crown alleged to have lapsed".<sup>4</sup> The royal officers were intent rather on classifying tenures and determining their obligations than on defining them. Then from the law-courts we begin to hear of tenure in cornage. There is in 1238 the case of Odoard of Wigton, who was a tenant by cornage; he was subject to wardship and he held his barony as a grand serjeanty at the service of attending the king's army through Cumberland.<sup>5</sup> Then in 1223 William de Fortibus, earl of Albemarle, tried to defeat the king's right of wardship on the ground that he held of the crown in cornage, not military service, but did not succeed.<sup>6</sup>

Now all this does not differ essentially from the conditions that we have examined in Northumberland. Here is a form of tenure that will not fit into any of the existing categories. One of its incidents is cornage. It is important to the crown for financial reasons that the obligations of this tenure should be clearly understood; it is important to the court that, rightly or wrongly, the tenure should be defined, in order that they may know how to deal with it. The king and the judge alike require a name for the tenure, and what more natural than that they should call it after its most unusual and striking incident, particularly when the original significance of cornage had been forgotten? On this hypothesis *tenere per cornagium* is to hold by that peculiar tenure which, while partaking of the nature of military service, serjeanty, and socage, is still none of these, but which has this feature that all the others lack, the payment of cornage.

<sup>1</sup> See the charter in *ibid.*, 320.

<sup>2</sup> *Red Book*, II., 494.

<sup>3</sup> *Testa de Nevill*, 379-380.

<sup>4</sup> Round, *Commune of London*, 274.

<sup>5</sup> *Bracton's Note Book*, ed. Maitland, No. 1270.

<sup>6</sup> Joseph Bain, *Calendar of Documents Relating to Scotland* (4 vols., Edinburgh 1881-1888), I. No. 864.



In the case of Northumberland we saw reason to suppose that the tenure there involved was really drengage or a form of drengage which, having lost its original significance and name, had got itself confused with cornage and taken its name. There is not material to warrant such a hypothesis in the case of Cumberland, and the political history of the region would make one expect a somewhat different development from that which occurred in Northumberland, for it looks as though there had been a deliberate organization of the country by Henry I., a kind of artificial arrangement of tenures. The main point, however, is, I think, clear enough; cornage only lent its name to tenure of which it was an incident. There is enough evidence from Westmoreland to render the same conclusion very probable for that county as well. In the twelfth century, indeed, Westmoreland had scarcely yet attained the integrity of a county, and was commonly treated as an appendage of Cumberland.<sup>1</sup>

The evidence of the pipe-rolls is interesting in this connection. We find that the sheriff was accounting in 1178 for a fixed sum for cornage "*lvi xixs iiid de Noutegeld quolibet anno reddendo*".<sup>2</sup> It is possible that this was a composition, or that it was part of the *firma comitatus*. From this time until the end of the reign cornage does not reappear in the pipe-rolls for Westmoreland. For five years there is no account (26-28, 33-34 Henry II.), and in the accounts of the other four cornage is not mentioned, and this is true of the first year of Richard I. In the second year of that king, however, there was a new assessment of the ferm by a jury of twelve knights, and this ferm with *noutegeld* was accounted for at the rate of 117l. 6s. per annum. This rate continued until the seventh year, when we get an entry which throws light on the manner in which the cornage was raised: "*Milites et libere tenentes in Westmoreland qui debent cornagium reddunt compotum de xx s pro habendo respectu [sic] de auxilio quod exigitur ab eis*", etc. Taken in connection with what has gone before, this suggests irresistibly that the free tenants were raising cornage from their tenants. But this is not all. In the first year of Richard I., Gilbert son of Roger son of Reinfred obtained a charter from the king granting him "*quietantiam, per totam terram suam de Westmerland et de Kendale, de neutegeld, scilicet de 14l. 16s. 3d., quos ipse Gilbertus reddere solebat per annum pro neutegeld de præfata terra*." To this was added immunity from shires, wapentakes, tithings, and aids

<sup>1</sup> See the authorities cited by Ramsay, *Foundations of England* (London, 1898), II. 346-347, and *Angevin Empire*, 12.

<sup>2</sup> The entries concerning Westmoreland from 23 Henry II. to 13 John are printed in the collection of *Pipe Rolls for the Counties of Cumberland, Westmorland, and Durham* published by the Society of Antiquaries of Newcastle-upon-Tyne in 1847.

of sheriffs and other officers. In return Gilbert owed the king the service of one knight "pro prædicto neutegeldo".<sup>1</sup> In 1200 Gilbert paid King John one hundred pounds for reissuing and confirming this same charter. Now the transaction here recorded is in substance the transmutation of some unspecified form of free tenure into tenure by knight-service. That cornage was only an incident of the earlier form of tenure is evident from the fact that the beneficiary is relieved from other obligations as well.<sup>2</sup> In what manner cornage might be an incident of a free tenure has been shown in dealing with the Northumbrian drengages.

Here, however, an obstacle presents itself which I must confess I am unable to surmount. In Northumberland, as I argued, cornage attached itself and gave its name to a modified form of drengage, but that was not the case in Cumberland and Westmoreland. The tenure to which cornage gave its name, the tenure of which one of the incidents was to bear the rear and van of the army against Scotland, was not drengage even in a modified form; for when the knights and free tenants who owed cornage were required to give an aid, the drengs were at the same time tallaged, and throughout Cumberland and Westmoreland documents the drengs seem to have been kept separate from those who were later called cornage tenants. Grave as this difficulty is, it yet does not, as I think, affect the main contention, namely, that cornage was never a form of tenure, but an incident which gave its name to a tenure. Its origin in Cumberland is clear enough, and in view of the relation of Cumberland and Westmoreland a like origin in Westmoreland may safely be assumed. Finally it must be shown that here, as in the other northern counties, the twelfth-century documents which still knew cornage as a render in kind, a seigniorial due, are silent about cornage tenure. This contrast is illustrated for Westmoreland by the pipe-rolls which we have been examining.

In the Westmoreland pipe-roll for the third year of John there is no mention of cornage; perhaps it had been incorporated in the ferm, but there is an entry of considerable importance: "Adam de Kierkebei debet xx s ne transfretet qui tenet quatuor acras terræ in Kierkebi in cornagio". This shows the appearance early in the thirteenth century of tenure in cornage. Then the next year Gilbert again fined with the king in forty pounds for having full seisin of his brother William's land, of which he was seised on the day of his death and which he held of the king in cornage.

<sup>1</sup> Printed *in extenso* in Nicolson and Burn, *History of Westmorland and Cumberland*, I. 31-32; *Rotuli Chartarum*, I. 50.

<sup>2</sup> This appears more clearly from a comparison of the texts of the two charters.

Dark and obscure as this still leaves the subject, one point may be regarded as definitely won: cornage existed in Westmoreland before men spoke or thought of tenure by cornage. Finally it should be noticed that the *Testa de Nevill*, which has so much to say about cornage in Cumberland, is silent on the subject in regard to Westmoreland. The collectors account for certain sums raised on the baronies of Kendal and Westmoreland and then for similar sums on the tenants of the barony of Kendal.<sup>1</sup>

The present study may tend toward putting the subject of cornage back into darkness and obscurity. But the writer hopes that it has helped to rescue or to reestablish one position, namely, that cornage by its origin and nature was a seigniorial due and not in any sense a mode of tenure. The ancient and obscure tenures which came to be described as cornage need further and far better study than it has been possible to give them here.

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<sup>1</sup> *Testa de Nevill*, 412.